

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAHMOUD ELZEIN,

Plaintiff,

v.

Case No. 12-CV-12373  
HON. GEORGE CARAM STEEH

BANK OF AMERICA, N.A.,

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION TO DISMISS (#5)

On April 30, 2012, plaintiff filed this action in Wayne County Circuit Court asserting defendant initiated foreclosure by advertisement after plaintiff requested a loan modification meeting, in violation of the statute. Plaintiff asserts declaratory relief and quiet title claims. Defendant removed the case to this court. On August 8, 2012, defendant filed a motion to dismiss. The motion has been fully briefed. Oral argument occurred at a hearing on the motion on October 15, 2012. At the hearing, plaintiff agreed to dismiss count II, his quiet title claim. For the reasons set forth on the record, the court GRANTS defendant's motion to dismiss and DISMISSES plaintiff's complaint without prejudice. Plaintiff may file an amended complaint asserting violations of MCL 600.3205c within 30 days. If plaintiff fails to file an amended complaint within 30 days, this order of dismissal becomes final.

IT IS SO ORDERED.

Dated: October 15, 2012

s/George Caram Steeh \_\_\_\_\_  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
October 15, 2012, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk